

## PUTNEY, TWOMBLY, HALL &amp; HIRSON LLP

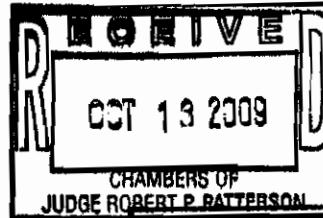
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MEMO ENDORSED

October 9, 2009



USDC SDNY  
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Via ECF and  
FACSIMILE (212) 805-7917  
 Hon. Robert P. Patterson, Jr.  
 U.S. District Judge  
 Southern District of New York  
 500 Pearl Street, Room 2550  
 New York, New York 10007

Re: **BC Media Funding Company II v. Frank Lazauskas,  
 Michael L. Metter, Leonard F. Moscati and B. Michael Pisani  
 SDNY 08-CV-06228 (RPP)**

Dear Judge Patterson:

This firm represents BC Media Funding Company II ("BC Media") in the above-referenced matter with respect to its post judgment collection efforts. This Court issued judgments in favor of BC Media on October 31, 2008, and April 1, 2009. Currently pending before the Court is BC Media's motion for an Order requiring Defendants Moscati, Metter, and Lazauskas to liquidate certain securities and turn over the proceeds to BC Media (the "Turnover Motion").

I have previously communicated to the Court that this matter had been settled, that a schedule of settlement payments had been established, and that if those payments were made in a timely fashion the pending motion would be withdrawn. Unfortunately, the final payment has not materialized, and I am compelled to request that the Court reinstate the motion for decision and order.

Respectfully submitted,

Matthew M. Riordan

MMR/dj

cc: Scott D. Rosen, Esq. (via ECF and facsimile 860-727-0361)  
 Craig Hilliard, Esq. (via ECF and facsimile 609-896-0629)  
 Marc D. Miceli, Esq. (via facsimile 973-994-1744)

HMMR/DC/MR/ML

SEE ATTACHED TYPEWRITTEN  
 MEMO ATTACHMENT

Appellees are granted  
 Respondents are directed  
 to respond to the motion  
 for a turnover order  
 by October 26, 2009.  
 So ordered  
 Robert P. Patterson  
 USDC  
 10/13/09

**Case: BC Media Funding Company II v. Frank Lazauskas, et al.  
Index No.: 08 Civ. 6228 (RPP)**

**MEMO ENDORSEMENT READS:**

**Application granted.**

**Respondents are directed to respond to the motion for a turnover order by October 26, 2009.**

**So Ordered.**

*Robert P. Patterson, Jr., U.S.D.J., 10/13/09*